

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Comprehensive Plan Conformity #03002

**DATE:** April 18, 2003

**SCHEDULED PLANNING COMMISSION MEETING:**

**DATE:** April 30, 2003

**PROPOSAL:**

This is a request from the Director of the Urban Development Department to review a proposed amendment to the *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan*.

The proposed amendment includes several text changes that allow for the acquisition of buildings and property owned by the Catholic Bishop of Lincoln for the purpose of redevelopment, amending the Future Land Use map, and changing the zoning designation from R-6 Residential to B-3 Commercial to accommodate future commercial uses.

**CONCLUSION:**

The Comprehensive Plan identifies a number of implementation strategies that support a finding that the proposed amendment to the *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan* generally conforms to the Comprehensive Plan.

**RECOMMENDATION:**

Conformance with the Comprehensive Plan

**GENERAL INFORMATION:**

**LOCATION:** 27<sup>th</sup> and 'P' Streets

**PURPOSE:** The 2025 Comprehensive Plan identifies the *North 27<sup>th</sup> Street Corridor Plan* as a subarea plan that is part of the Comprehensive Plan. (F 156) The *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan* is the redevelopment plan that puts the *North 27<sup>th</sup> Street Corridor Plan* into practice. Pursuant to LMC §4.48.070, the Planning Commission is required to review proposed amendments to the Comprehensive Plan. Therefore, an amendment to a subarea plan should be reviewed for conformity to the Comprehensive Plan. Also, NEB REV STAT § 18-2112 requires the Planning Commission to review a redevelopment plan as to its conformity with the Comprehensive Plan.

**EXISTING ZONING:** R-6 Residential District

**EXISTING LAND USE:** Vacant church building and parking lot.

**ASSOCIATED APPLICATIONS:** Change of Zone #3401 (R-6 to B-3)

**COMPREHENSIVE PLAN SPECIFICATIONS:**

This property is designated as Urban Residential in the Land Use Plan. (F 25)

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. (F 17)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. (F 18)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

Infill commercial development should be compatible with the character of the area and pedestrian oriented. (F 49)

Maintain and encourage retail establishment and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods. (F 49)

Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods. (F 66)

Expansion in existing [commercial] centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F 69)

Public property, especially publicly owned historic property, is a community trust and should be maintained, preserved, and utilized in an exemplary fashion. Most historic property is and should be privately maintained. (F 141)

The demolition of significant historic properties...diminishes the character of our community. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks. (F 141)

Strategies for Historic & Cultural Resources (F 142)

Adopt as public policy the careful stewardship of significant, publicly owned historic resources, including a full and open examination of alternatives when major alterations or demolition are considered.

**THE NORTH 27<sup>th</sup> STREET CORRIDOR PLAN SPECIFICATIONS:**

The 27<sup>th</sup> Street Concept Plan proposes a mixed use framework, using the street as an environment for both business and living. (page 36)

Areas that require redevelopment are proposed for redevelopment in ways designed to strengthen existing commercial and residential investment. (page 36)

A principle of the concept plan is the separation, to the degree possible, of local and through traffic movements. (page 37)

The concept plan is based on the establishment of defensible edges between residential and non-residential uses. The concept of defensible edges, using streets or greenways to provide boundaries, realizes the benefits of mixed use while screening the negative effects of commercial growth on residential environments. (page 37)

Requiring new projects to provide direct connection from front door of business to 27<sup>th</sup> Street sidewalks. Design which requires pedestrian to cross parking lots in order to get businesses should be discouraged. (page 38)

Whenever possible, encourage project designs which place commercial buildings rather than parking lots along the street. Setbacks should be adequate to provide for separation from traffic and adequate landscaping; however, the pedestrian should be engaged with the building, rather than parking lots. Parking should generally be developed to the side or rear of commercial buildings. (page 38)

### **ANALYSIS:**

1. This is a request to review a proposed amendment to the *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan* for a determination of conformity with the Comprehensive Plan.
2. The *North 26<sup>th</sup>/27<sup>th</sup> Street Redevelopment Area, Lincoln, Nebraska, Blight and Substandard Determination Study* determined that the area was blighted and substandard. The City Council declared the area blighted and substandard on June 19, 2000.
3. The most recent update to the *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan* was adopted by the City Council on October 28, 2002. The *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan* superseded all previous redevelopment plans and amendments that cover an area generally bounded by "N" Street on the south; the viaduct over the Burlington Northern Santa Fe right-of-way parallel to the Cornhusker Highway on the north; 23<sup>rd</sup> Street on the west; and 31<sup>st</sup> Street on the east. This proposed amendment includes buildings and property that are within the existing boundary of the Redevelopment Plan area.
4. The Comprehensive Plan acknowledges the community's longstanding efforts to protect and improve the areas around the North 27<sup>th</sup> Street business district and neighborhood.
5. The acquisition of this property for redevelopment purposes and the request for a change of zone was not identified in the most recent update of *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan*.
6. This proposal will amend the commercial redevelopment activities identified in the *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan*. This includes several specific text changes (attached). The amendment will also amend the Future Land Use map accordingly.

- 6.1 On page 27, under the heading Redevelopment Activities: Commercial, paragraph 2, change from “redevelop small transitional commercial use retail center” to “redevelop commercial use that acts as a transitional area between the residential portion of the neighborhood and the North 27<sup>th</sup> Street corridor.”
- 6.2 On page 28, add two project elements regarding the 27<sup>th</sup> and P Street intersection: “Property acquisition: Kinney’s O Street Addition, Lots 2 through 6,” and “Change of zone from R-6 to B-3.”
- 6.3 On page App. E-2, add the entry “Block 21, Kinney’s O Street Addition, Lots 2 through 6, more commonly known as 2601 P Street,” to the list of properties to be acquired.
- 6.4 Amend the Future Land Use map to change this property from its current designation of Semi-Public (church) to Commercial.
7. Changing the focus from an identification of a retail center to a more general commercial use that acts as a transition between the residences and 27<sup>th</sup> Street does not appear to be significant. In fact, this change appears to provide more flexibility in the redevelopment of this site.
8. Identifying this use as transitional conforms to the Comprehensive Plan’s guiding principle of creating housing opportunities for residents with special needs that are compatible with residential neighborhoods.
9. Locating this facility at this location will allow Applicant to provide adult substance abuse and mental health services in an area of town that currently does not provide these types of services.
10. By identifying acquisition of this property, the City will be able to have an active role involved in the redevelopment of this site. Pursuant to NEB REV STAT §18-2108, the City shall not acquire real property for a redevelopment project unless the redevelopment plan is approved. Once approved, this amendment will add this property to the *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan*.
11. The building that exists on this site was the Immaculate Heart of Mary Church, which has relocated. The Catholic Bishop of Lincoln has decided to sell the property, and would like to transfer ownership to the City of Lincoln for redevelopment purposes.
12. Appendices to the *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan* provide a list of properties to be acquired. Upon approval of this amendment, the appropriate appendix should be amended to include this property.

13. Changing the zoning from R-6 Residential to B-3 Commercial District is necessary to allow the redevelopment of this area into a commercial use that acts as a transitional area between the residences and 27<sup>th</sup> Street. The R-6 Residential district does not allow for commercial or retail uses. The B-3 Commercial district provides “for local commercial uses in a redeveloping neighborhood generally located in established retail centers of those neighborhoods. The uses permitted generally are those for neighborhood uses, plus limited manufacturing uses that reflect the character of that commercial area.”
14. The Comprehensive Plan identifies this area as Urban Residential, which is defined in the plan as “multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.” (F 27) However, the Comp Plan also states that the land use districts are intended to be generalized locations only, and in practice should be gradual transitions between uses rather than a strict segregation of different uses. The B-3 Commercial district would allow this property to serve in a transitional role between the commercial uses on “O” and 27<sup>th</sup> Streets and the neighboring residential uses. This amendment would allow commercial redevelopment activities to occur along the entire south block face of P Street, between 26<sup>th</sup> and 27<sup>th</sup> Streets.
15. Immediately adjacent to the south and west of this property is a B-3 Commercial district, which areas are also shown as Commercial in the Comp Plan. Changing this one-half block to B-3 would not encroach commercial uses further into the residential neighborhood since this property is separated from existing residential uses to the north by P Street, and on the east by 27<sup>th</sup> Street, both of which are shown in the Comp Plan as Minor Arterials. (E 49) The two houses that abut North 27<sup>th</sup> in the attached aerial have been removed.
16. The *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan* Future Land Use map shows this property as Semi-Public (Church). This amendment revises the Future Land Use map so it will remain consistent with the text of the plan.
17. The Immaculate Heart of Mary Church is listed in the Antelope Valley EIS as eligible for listing to the National Register of Historic Places. A review of the eligibility of this structure was conducted in relation to this amendment. This subsequent review continued to find the structure as eligible.
18. The Comp Plan indicates a desire to preserve and maintain historic properties, even those not formally designated as landmarks. Although the structure on this site is not formally designated, it is deserving of further review if the intention is demolition. Should the City acquire this structure for redevelopment purposes, it should conduct a full and open examination of alternatives if major alterations or

demolition are considered. The structural condition of the church should be assessed and possible landmark designation or preservation considered.

19. The *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan* also identifies the church on this site as historically significant with potential eligibility for listing to the National Register. However, this plan does not provide policy guidance regarding the disposition of such structures.
20. Approved redevelopment activities could generate Tax Increment Financing from private development to pay for public infrastructure and improvements.
21. The Public Works Department has indicated they reserve the right to review all site plans for this project. Additionally, Public Works states they:
  - 21.1 Support the proposed elimination of the two existing driveways on 27<sup>th</sup> Street.
  - 21.2 Do not support the proposed curb cut on 'P' Street.
  - 21.3 Support the elimination of all existing driveways on the south side of 'P' Street between 26<sup>th</sup> and 27<sup>th</sup> Streets.
22. The Parks and Recreation Department states that the developer must coordinate the locations for potential street trees on private property.
23. The signage allowed in the B-3 Commercial district is significantly different than that allowed in the R-6 Residential district. The Planning Department recommends deed restrictions be utilized to limit the number, size, and type of signs allowed on this property.
24. The types of uses allowed by the B-3 Commercial district are significantly different than those allowed by the R-6 Residential district. The Planning Department recognizes that the B-3 district is likely a reasonable designation for this area, however, the uses allowed should be of a transitional nature. Therefore, the Planning Department recommends deed restrictions be utilized to limit the types of commercial uses to those characterized as transitional. See attachment that indicates which uses should be restricted.

25. With certain deed restrictions used, the Planning Department recommends this amendment be found to be in conformance with the Comprehensive Plan.

Prepared by:

Greg Czaplewski  
Planner

**Applicant:** Marc Wullschleger, Director  
Urban Development Department  
808 P Street, Suite 400  
Lincoln, NE 68508  
441.7606

**Contact:** Wynn Hjermstad  
Urban Development Department  
808 P Street, Suite 400  
Lincoln, NE 68508  
441.7606





**Comprehensive Plan Conformance #03002**  
**N. 27th & P St.**







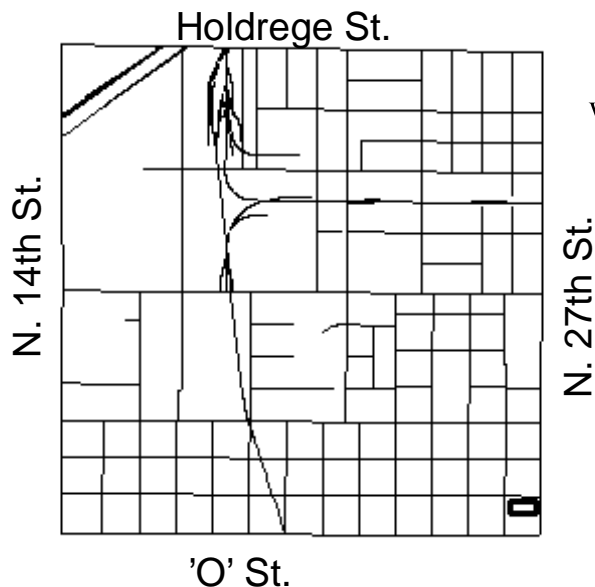
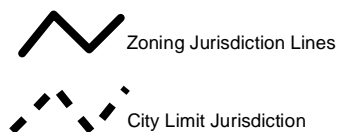
## Comprehensive Plan Conformance #03002

### N. 27th & P St.

#### Zoning:

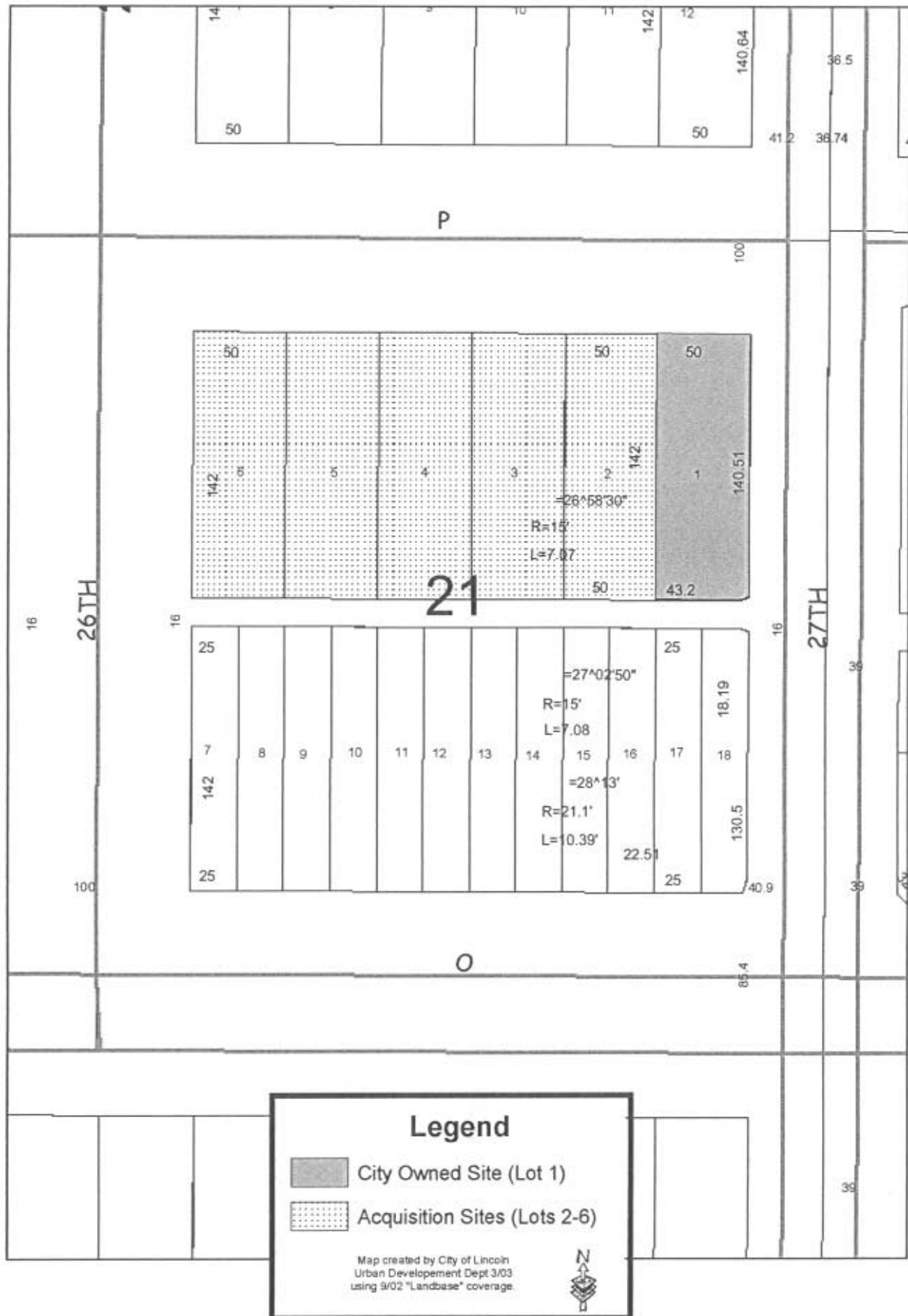
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 24 T10N R6E





# Commercial Redevelopment Site





March 6, 2003

Marvin Krout, AICP  
Planning Director  
Lincoln Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear Marvin:

Please find enclosed an amendment request to the *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan*. This amendment is to the project identified as **27<sup>th</sup> & P Street: Commercial Development**, under the section entitled Redevelopment Activities: Commercial, page 27 of the document. The current activity is described as redevelopment of a small transitional commercial retail center.

This amendment will add the acquisition and demolition of the remaining north half of the block described as Block 21, Kinney's O Street Addition, lots 2 through 6. We are also requesting a change of zone from R-6 to B-3. The redevelopment will still act as a transitional area between the busy N. 27<sup>th</sup> Street corridor and the residential section of the neighborhood.

CenterPointe will be constructing a facility, approximately 16,000 sf, and necessary parking to house an adult residential treatment program and administrative offices. Representatives from CenterPointe have contacted the Malone, Hartley, and Hawley neighborhood associations, the North 27<sup>th</sup> Street Business and Civic Association and the Preservation Association of Lincoln (PAL) to explain the project.

Please forward the amendment to the Planning Commission for their consideration at their April 2, 2003 meeting. If you have any questions please call Wynn Hjermstad at 441-8211.

Sincerely,

A handwritten signature in cursive script that reads "Marc Wullschleger".

Marc Wullschleger  
Director

cc: Wynn Hjermstad



April 21, 2003

*[Signature]*  
Marvin Krout, Director  
Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Dear Marvin:

Please find attached an amended copy of the North 27<sup>th</sup> Street Future Land Use map and an amended copy of APPENDIX E: Parcels to be Acquired, Substandard Housing and Commercial/Industrial Structures, which are to accompany items CP03002 and C23401. Both documents update and support our original amendment request dated March 6, 2003.

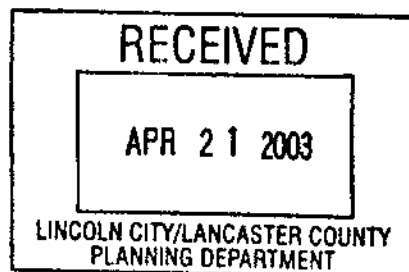
I understand this amendment is scheduled for the April 30, 2003, Planning Commission meeting. Please call me at 441-7126 if you have any questions.

Sincerely,

*[Signature]*

Marc Wullschleger  
Director

cc: Wynn Hjermstad  
Ernie Castillo



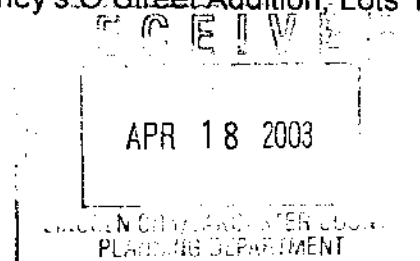
to 26th Street to accommodate redevelopment at the northwest corner of 27th and Vine. Total length of this project is removal of approximately 1,660 feet of 8" main, replaced with approximately 1350 feet of new 8" main, which includes the section completed in conjunction with the redevelopment at the northwest corner of 27<sup>th</sup> and Vine.

2. Replace the 8" sewer in the alley between 27th and 28th Streets, from Apple north to Orchard (see Exhibit 7). Replacement will begin at manhole 226, then north to manhole 335, then manholes 488, 489, 336 and ends at manhole 337. The total length of this project is approximately 865 feet.
3. Study drainage and storm sewer conditions in the vicinity of X Street. This location has also been identified as a key redevelopment site and likely to stimulate continued private redevelopment in the corridor. However, drainage issues should be corrected before redevelopment begins. After completing the study of conditions, repair and replacement should proceed as needed.
4. Complete a detailed analysis of storm water sewers, sanitary sewers, and the water system to determine additional needed improvements. Complete improvements as required to support current and anticipated development.

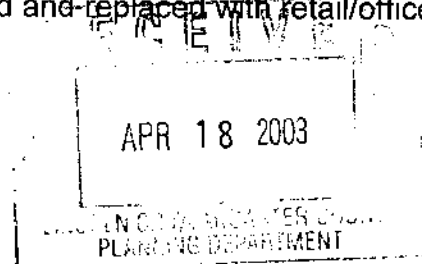
## REDEVELOPMENT ACTIVITIES: COMMERCIAL

Several locations have been identified as essential to redevelopment of the North 27th Street Corridor. These are areas where redevelopment activities will be highly visible and will be more likely to spur continued redevelopment in the corridor. Key locations for commercial redevelopment include:

1. 27th and O Street: improvements to existing businesses. A stable commercial area with some businesses experiencing physical deterioration. Provide financing for exterior repair and facade improvements through the Urban Development Department Economic Development Program.
2. 27th and P Street: commercial redevelopment. This pocket of residential development is located just one block from the major intersection of 27th and O. Street widening has resulted in very little setback from 27th Street. Structures appear to be in poor and deteriorating condition. Acquire substandard houses; redevelop ~~small transitional commercial use retail center~~ commercial use that acts as a transitional area between the residential portion of the neighborhood and the N. 27<sup>th</sup> Street corridor. Project elements include:
  - Acquire two substandard houses at P Street: Kinney's O. Street Addition, Lots 1 and 2.
  - Relocate tenants
  - Demolish structures



- Develop transitional commercial uses
  - Pave off-street parking
  - Relocate/upgrade utilities
  - Eliminate two driveways on North 27th Street; widen existing alley curb cut
  - Construct curb cut on P Street
  - Rezone from R6 to transitional/commercial
  - Property Acquisition: Kinney's O Street Addition, Lots 2 through 6.
  - Change of zone from R-6 to B-3.
3. 27th and the east side of block between S and T Street: office redevelopment. Adaptive reuse of existing historic building and construction of new office/commercial development. Project elements include:
- Rehabilitation of historic building, Lots 7-8, Block 5, Houtz and Building Subdivision
  - Acquisition of lots 1 - 2, 7 - 12, Block 5, Houtz and Baldwins Subdivision
  - Relocate tenants
  - Demolish structures
  - Pave off-street parking
  - Relocate/upgrade utilities
  - Provide curb cuts on T Street for ingress and egress.
  - Pave and landscape outside property line, driveways, approaches and sidewalks.
4. 27th and Vine Streets: major redevelopment of the commercial block between Vine and W Streets from 26th to 27th Street. The City acquired properties, relocated tenants and demolished buildings. A redevelopment agreement was approved, based on the 1998 North 27<sup>th</sup> Street Redevelopment Plan. Complete activities identified in the redevelopment agreement.
5. South of 27<sup>th</sup> and Vine Streets, west side of block, from south of two existing commercial businesses. The site to be redeveloped includes vacant, underutilized land and a vacant, blighted building. To be redeveloped with new commercial development. Project elements include:
- Acquisition of lots 14-17, except east 4 feet of each lot, Block 2, Houtz and Baldwin's Subdivision
  - Relocation of tenants, if any
  - Demolition of existing structures
  - Pave and landscape driveways, approaches and sidewalks outside property line
  - Replot as needed
  - Relocate/upgrade utilities as needed
6. 27th and X to Y: Commercial redevelopment. Deteriorated commercial buildings, one known as the Broom Factory, to be demolished and replaced with retail/office





**PARCELS TO BE ACQUIRED, SUBSTANDARD HOUSING  
COMMERCIAL/INDUSTRIAL STRUCTURES**

Keystone Addition, Block 1, North 48 feet of Lot 4, except E5.5 feet, more commonly know as 511 N. 27<sup>th</sup> Street

Keystone Addition, Block 1, Lot 3, except part for street, more commonly known as 521 North 27<sup>th</sup> Street

Keystone Addition, Block 1, Lot 2, except 285 square feet on north and east for Street, more commonly known as 529 North 27<sup>th</sup> Street

Keystone Addition, Block 1, Lot 1, except 304.4 square feet for street, more commonly known as 533 North 27<sup>th</sup> Street

Hawley's Addition, South Half of Lot A, except 335.6 square feet on east for street, more commonly known as 535 North 27<sup>th</sup> Street

Hawley's Addition, North Half of Lot A, except 368.8 square feet on East, more commonly know as 537 North 27<sup>th</sup> Street

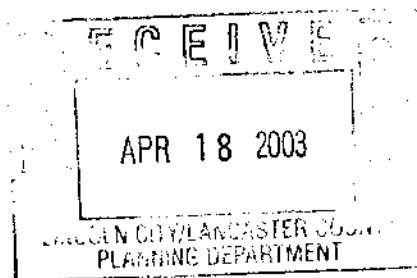
Hawley's Addition, Lot B except east part for street & South ½ of Lot C except East 8.5 feet, more commonly known as 539 North 27<sup>th</sup> Street

Keystone Addition, Block 1, West 102 feet of the South one foot of Lot 4 and the West 102 Feet of Lot 5, more commonly known as 2630 S Street

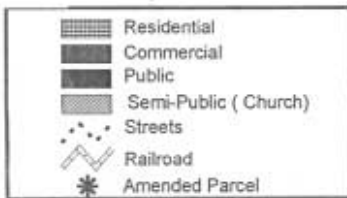
Keystone Addition, Block 1, West 54.5 feet, East 60 Feet, and the South 1 foot of Lot 4 and the West 54.5 feet, East 60 feet of Lot 5 except the triangle in the Southeast corner for street right-of-way, more commonly known as 501 North 27<sup>th</sup> Street

Hawley's Addition, South 46 feet of Lot B, more commonly known as 539 North 27<sup>th</sup> Street

Block 21, Kinny's O Street Addition, Lots 2 through 6, more commonly known as 2601 P Street.



RECEIVED  
APR 21 2003  
KANSAS CITY, MISSOURI  
PLANNING DEPARTMENT



# Amended N27th Street Future Land Use Exhibit 8

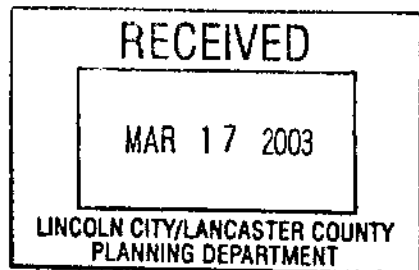


# M e m o r a n d u m

**To:** Duncan Ross, Planning Dept.  
SS  
**From:** Bruce Briney, Public Works and Utilities  
**Subject:** Change of Zone Request #3401, Comprehensive Plan Conformance #03002  
'P' Street, 26<sup>th</sup> Street to 27<sup>th</sup> Street  
**Date:** March 14, 2003  
**cc:** Nicole Fleck-Tooze  
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for Change of Zone #3401 from R-6 to B-3 and Comprehensive Plan Conformance #03002 for the south side of 'P' Street from 26<sup>th</sup> Street to 27<sup>th</sup> Street. Public Works has the following comments:

- Public Works has no objection to the proposed change of zone.
- Public Works supports the proposed elimination of the two existing driveways on 27<sup>th</sup> Street.
- Public Works does not support the proposed curb cut on 'P' Street.
- Public Works supports the elimination of all existing driveways on the south side of 'P' Street between 26<sup>th</sup> Street and 27<sup>th</sup> Street.
- Public Works reserves the right to review all site plans for this project.



# Memo



**To:** Duncan Ross, Planning Department

**From:** Mark Canney, Parks & Recreation

**Date:** March 12, 2003

**Re:** N 27th Street Corridor & Environs Redevelopment Plan

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Coordinate potential street tree locations with the developer and city arborist, Steve Schwab on private property.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

**The deed restriction should limit the uses in the B-3 District as follows:**

**27.33.020 Permitted Uses.**

A building or premises shall be permitted to be used for the following purposes in the B-3 Commercial District:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;
- (d) Churches;
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions, and finance companies; Except ATM
- (g) Barber shops, beauty parlors, and shoeshine shops;
- (h) Private schools, including but not limited to, business or commercial schools, dance or music academies, and nursery schools;
- (i) Adult care centers;
- (j) Hospitals and clinics for animals, but not open kennels;
- (k) ~~Self-service laundromats, and launderettes;~~
- (l) Receiving stores for dry cleaning or laundry;
- (m) ~~Messenger and telegraph stations;~~
- (n) Office buildings;
- (o) ~~Restaurants;~~
- (p) ~~Stores or shops for the sale of goods at retail;~~
- (q) Undertaking establishments;
- (r) Photography studios;
- (s) Key shops;
- (t) ~~Ambulance services;~~
- (u) Retail bakery;
- (v) ~~Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;~~
- (w) ~~Milk distribution stations, but not involving any bottling on the premises;~~
- (x) ~~Food storage lockers;~~
- (y) Optical lens grinding and finishing;
- (z) Clubs;
- (aa) ~~Parking lots and storage garages;~~
- (bb) ~~Enclosed commercial recreational facilities;~~
- (cc) ~~Motorcycle, bicycle, and home and office equipment, but not including vehicle body repair shops~~

- (dd) Mail order catalog sales;
- (ee) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments.

### **27.33.030 Permitted Conditional Uses.**

A building or premises may be used for the following purposes in the B-3 Commercial District in conformance with the conditions prescribed herein:

~~(a) Automobile wash facility:~~

~~(1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.~~

~~(2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.~~

~~(b) Motels and hotels: A distance of at least twenty feet shall be maintained between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.~~

~~(c) Furnace, heating, sheet metal, electrical shops or electrical contractors, heating and air conditioning contractors, and cabinet shops or stores:~~

~~(1) The floor area of said premises not devoted to sales or office space shall not exceed 8,000 square feet;~~

~~(2) Not more than ten percent of the lot or tract occupied by the establishment shall be used for open and unenclosed storage of material and equipment;~~

~~(3) All outside storage of material and equipment shall be screened by an opaque six-foot tall fence constructed of wood, or a substitute material found acceptable by the Director of Building and Safety.~~

~~(d) Tire stores and sales, including vulcanizing:~~

~~(1) The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet;~~

~~(2) There shall be no manufacturing on the premises.~~

~~(e) Tailor shops, shoe repairing, upholstery shops, printing, photocopying, household appliances repairs, or similar business establishments; dyeing and drycleaning works; laundry; plumbing and water~~

~~softener service shops.~~

~~The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet.~~

~~(f) Dwellings, provided that:~~

~~(1) Except as provided subparagraph 2 below, dwellings shall only be permitted above the first story of a building, with the first story used for a non-dwelling use as permitted in the district. Such non-dwelling use shall not be accessory to the residential use or be a parking lot or garage.~~

~~(2) Dwellings shall be permitted in buildings that were originally constructed for a residential use prior to November 1, 1997.~~

(g) Recycling center:

- (1) The building area of such center shall not exceed 4,000 square feet;
- (2) Adequate traffic stacking shall be provided on site as determined by the city;
- (3) All required parking shall be provided on site;
- (4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;
- (5) The construction and operation of such center shall comply with all applicable health and fire codes;

(h) Vehicle body repair shop:

- (1) All salvage material including vehicles being salvaged shall be kept inside a building;
- (2) All vehicles stored outside a building shall be repaired to an operating state within thirty days;
- (3) All vehicles stored outside a building waiting repair shall be screened in accordance with the screening requirements for salvage and scrap processing operations;
- (4) The construction and operation of such shop shall comply with all applicable health and fire codes;
- (5) Vehicle body repair shops lawfully existing on the effective date of this ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and (4) above.

(i) Early childhood care facilities:

- (1) Such facilities shall comply with all applicable state and local early childhood care requirements;
- (2) Such facilities shall comply with all building and life safety code requirements;
- (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
- (4) Such facilities must receive a conditional use permit from the Department of Building and Safety.

~~(j) Service stations and automobile or appliance sales and repair facilities, but not including vehicle body repair shops:~~

- ~~(1) No automobile or appliance sales and repair facility shall be permitted to locate within 100 feet of any residential use or district;~~
- ~~(2) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood, or of a substitute material found acceptable to the Director of Building and Safety subject to the provision of condition (3) below;~~
- ~~(3) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance shall have until October 1, 2003 to be brought into compliance with condition (2) above;~~
- ~~(4) The locational or screening requirements of (1), (2), and (3) above shall not apply when said residential use or district is across a public street from the service station or automobile or appliance sales and repair facility, but shall apply if said residential use or district is across an alley or private drive from the service station or automobile or appliance sales and repair facility;~~
- ~~(5) Any service station lawfully established in this district, after the effective date of this ordinance, shall screen the facility from any residential use or district by the use of an opaque fence;~~



~~six feet in height, constructed of wood or of a substitute material found acceptable to the Director of Building and Safety; provided that said screening requirement shall not apply when said residential use or district is across a public street from the service station, but shall apply if said residential use or district is across an alley or private drive from the service station:~~

The special permitted uses may be allowed if found appropriate following public hearing as required.

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